

MONTENEGRO 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Montenegro is a mixed parliamentary and presidential republic with a multiparty political system. Voters choose both the president and the unicameral parliament through popular elections. The president nominates, and parliament approves, the prime minister. An observation mission of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe stated that the August 2020 parliamentary elections were overall transparent and efficient but highlighted that the ruling party gained an undue advantage through misuse of office and state resources and dominant media coverage, which undermined the quality of information available to voters. Milo Djukanovic, president of the Democratic Party of Socialists, was elected president in 2018 with nearly 54 percent of the vote in the first round for his second term as president. He had already served six terms as prime minister. Observers from the Organization for Security and Cooperation in Europe, the European Parliament, and the Council of Europe's Parliamentary Assembly noted the election proceeded in an orderly manner but had minor irregularities that did not affect the outcome. Despite opposition protests, elections were generally considered free and fair.

The National Police Force, which includes Border Police, is responsible for maintaining internal security. It is organized under the Police Administration within the Ministry of Interior and reports to the police director and, through the director, to the minister of interior and prime minister. The Armed Forces of Montenegro are responsible for external security and consist of an army, navy, and air force that are overseen by the Ministry of Defense. Civilian authorities maintained effective control over the security forces. Members of the security forces committed some abuses.

Significant human rights issues included credible reports of: alleged torture by the government; serious problems with the independence of the judiciary; serious restrictions on free expression; serious government corruption; crimes involving violence or threats of violence targeting persons with disabilities and members of national, racial, or ethnic minority groups; and crimes involving violence or threats

of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons.

Impunity remained a problem, and the government did little to identify, investigate, prosecute, or punish officials who committed human rights abuses.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings during the year.

On October 25, Special Prosecutor Lidija Vukcevic filed charges against a Montenegrin citizen, Slobodan Pekovic, for allegedly killing two Bosniaks and raping a civilian in the southeast Bosnian town of Foca in 1992 while serving as a soldier for the Bosnian Serb Army. A spokesperson for the Special Prosecutor's Office confirmed that an indictment proposal had been forwarded to the court for further adjudication after Pekovic was arrested on October 18. According to media outlets, Bosnia and Herzegovina's Prosecutor's Office transferred the case to Montenegro judicial authorities following a several months' long exchange of information. Pekovic, who may be detained for up to 30 days, denied having committed crimes against humanity in Foca. In a related development, media outlets quoted Special Prosecutor Vukcevic as stating that since the 2015 adoption of the *Strategy for Investigation of War Crimes in Montenegro*, the country has held seven trials for war crimes committed in Croatia, Bosnia and Herzegovina, and Kosovo. The nongovernmental organizations (NGOs) Human Rights Action (HRA) and Civic Alliance both noted a significant lack of progress on war crimes prosecution, despite the government's 2015 adoption of the strategy.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or

Punishment

While the constitution and law prohibit such practices, there were reports alleging that police tortured suspects and that beatings occurred in prisons and detention centers across the country. The government prosecuted some police officers and prison guards accused of overstepping their authority, but there were delays in the court proceedings. NGOs noted that several police officers found to be responsible for violating the rules of their service, including cases of excessive use of force, remained on duty. In 2020 the Office of the Ombudsman received complaints regarding police torture, noting that most complaints involving criminal proceedings did not result in heavy penalties.

On July 28, local news portal *Vijesti* released video of police in Cetinje stepping on the head of and kicking a local resident who was offering no resistance during a raid on his business. Police conducting the raid belonged to the Sector for the Fight against Crime and wore masks covering their faces and did not wear visible identification. The beaten individual filed a police complaint against the police officer. The day after the incident, police reported that they had evidence that one police officer exceeded their authority and that they would investigate the case.

In July the NGO HRA issued a press release stating that foreign forensic experts of international renown prepared reports on the injuries of Jovan Grujicic and Marko Boljevic. The pair had reported police torture in May 2020, when they were arrested as part of the investigation into the cases of so-called bomb attacks in 2015. The bomb attacks targeted the bar Grand and the house of former National Security Agency officer and current police officer Dusko Golubovic. The suspects were arrested in May 2020 and later reported that they were victims of police torture at the time of the arrest. Jovan Grujicic, the main suspect in the bombings, was later acquitted of charges by the Basic Court; the charges against Benjamin Mugosa, initially accused of participation in the attacks, were subsequently dropped when it was revealed that he was in prison at the time of the bombings. A third suspect, “MB,” was an alleged witness who was said to have testified that Mugosa and Grujicic executed the attacks before the charges were dropped. All three submitted separate reports to the Basic State Prosecution Office in Podgorica containing identical allegations of police torture by application of electroshock devices to their genitals and thighs, brutal beatings using boxing gloves and

baseball bats, and other cruel methods, such as threatening to kill them and playing loud music to drown out their screams during the interrogation to extract their confessions. The State Prosecutor's Office was investigating the case.

Foreign forensic experts observed traces of torture in the form of "physical and psychological symptoms" during the examination of Grujicic and Boljevic and stated that they were "highly consistent" with the allegations that they had been tortured by police with beatings, electric shocks, humiliation, and intimidation. The HRA provided the reports in collaboration with the International Rehabilitation Council for Torture Victims and the Independent Forensic Expert Group, which operates within the council.

Media outlets and NGOs also cited the findings from a 2017 visit by the Council of Europe's Committee for the Prevention of Torture (CPT), which noted allegations of police mistreatment, including "punches, slaps, kicks, baton blows, and strikes with nonstandard objects, and the infliction of electrical shocks from handheld electrical discharge devices." Most abuses were alleged to have occurred either at the time of apprehension or during the preinvestigation phase of detention for the purpose of extracting confessions.

In March the European Court of Human Rights (ECHR) issued a judgment in the case of *Baranin and Vukcevic v. Montenegro*, finding that Montenegro violated the procedural aspect of the prohibition of torture, inhuman, or degrading treatment or punishment (Article 3 of the European Convention on Human Rights) due to ineffective investigation of police abuse of Momcilo Baranin and Branimir Vukcevic in 2015. The applicants were beaten by several police officers in a street in the center of Podgorica following the dispersal of a protest organized by the Democratic Front political coalition. The incident was recorded on video, with footage shared online. The ECHR found that the competent state authorities, primarily the prosecutor's office and police, failed to conduct an efficient and effective investigation to identify the perpetrators of the abuse and punish them adequately.

Impunity remained a problem in the security forces, particularly among police and prison officers. Domestic NGOs cited corruption; lack of transparency; a lack of capacity by oversight bodies to conduct investigations into allegations of excessive

force and misuse of authority in an objective and timely manner; and the ruling political parties' influence over prosecutors and officials within the Police Administration and the Ministry of Interior as factors contributing to impunity. Despite the existence of multiple, independent oversight bodies over police within the Ministry of Interior, parliament, and civil society, NGOs and the Council for Civilian Control of Police Operations noted a pervasive unwillingness of police officers to admit human rights abuses or misuses of authority committed by themselves or their colleagues. To increase respect for human rights by the security forces, authorities offered numerous training sessions, often in conjunction with international partners, as well as working group meetings dedicated to the promotion and protection of human rights in the country.

According to domestic NGOs, authorities made little progress in addressing the problem of police mistreatment and other shortcomings in the Internal Control Department of the Ministry of Interior. They cited a lack of strict competitive recruitment criteria and training for police officers; the absence of effective oversight by the Internal Control Department; and the need for prosecutors to conduct more thorough and expeditious investigations into cases of alleged mistreatment by police officers as areas where there were continuing problems. NGOs also noted there was an ongoing need for prosecutors to carry out timely investigations.

Prison and Detention Center Conditions

There were some reports regarding prison and detention center conditions that raised human rights concerns.

Physical Conditions: There were some poor conditions in prisons and pretrial detention facilities due to overcrowding and access to medical care. In the report issued following its 2017 visit to Montenegro, the CPT noted problematic levels of prison overcrowding, i.e., less than 32.3 square feet of space per inmate in multiple-occupancy cells in certain sections and remand prisoners confined to their cells for 23 hours a day without being offered activities for months or years. The CPT noted that material conditions in police stations it visited were not suitable for detaining persons for up to 72 hours due to structural deficiencies, such as poor access to natural light, inadequate ventilation, poor conditions of hygiene, and

irregular provision of food. NGOs reported that detainees who were addicted to drugs, had mental disabilities, or had other disabilities continued to face difficulties in obtaining adequate treatment while detained.

The CPT also noted the level of serious interprisoner violence was a long-standing and persistent problem at the remand prison and the Institute for Sentenced Prisoners. During the year there were reports of cases of violence in the country's primary prison attributed to the long-standing "war" between the country's two main organized criminal groups, which prison authorities managed by taking preventive measures, such as providing separate accommodations and preventing contact between persons who are members of opposing criminal groups as well as other operational and tactical measures and actions, such as providing close personal supervision of individuals and conducting random periodic searches of their persons and accommodations. There were widespread reports that prison employees cooperated with members of organized criminal groups, including one in prison. Some such employees were prosecuted by authorities.

In 2020 the Council for Civilian Control of Police Operations noted poor conditions in the pretrial detention rooms in the security center in Niksic. In addition to lacking water and being equipped with damaged and dirty mattresses, overcrowding was a problem because there were only seven beds for the nine detainees. In other inspections of the security centers in Podgorica and Niksic, the council noted similar problems with overcrowding and a lack of capacity to provide basic services to detainees.

The Ministry of Justice, Human and Minority Rights stated that all prisons and detention centers were accessible for persons with disabilities.

Administration: Authorities conducted investigations of credible allegations of mistreatment, but they usually did so only in reaction to media campaigns or upon the ombudsman's recommendation. Results of investigations were generally made available to the public.

Independent Monitoring: The government permitted visits to prisons by independent nongovernmental observers, including human rights groups and media, and international bodies such as the CPT. Even when monitors visited on

short notice, prison authorities allowed them to speak with the prisoners without the presence of a guard. The Justice Ministry's Directorate for the Execution of Criminal Sanctions noted positive working relationships with NGOs, including those who were critical of the organization.

Improvements: Improvements in the physical facilities, staffing levels, and training for guards continued throughout the year. According to NGO reports, some improvements were made to nutrition and health-care services, family visits, staffing, and the work environment. Additional measures were also taken to address shortcomings noted by the CPT, including the renovation of select rooms in the central prison and detention centers, construction of a protective fence, procurement of additional security cameras, and construction of a recreational basketball court and walking paths for prisoner use.

According to the European Commission's *2020 Progress Report on Montenegro*, material conditions of detention remained poor and serious shortcomings were exposed by the COVID-19 pandemic. Overcrowding in Podgorica's temporary detention prison continued to diminish. The government continued programs designed to focus on rehabilitation and providing inmates with skills to increase employment prospects upon release, including apprenticeship programs to cultivate farming skills. The Ministry of Justice stated that the Bureau for the Execution of Criminal Sanctions provided vaccines for all prisoners and guards and immunization started in March.

In 2020 parliament passed an amnesty law aimed at relieving the problem of overcrowding in the prison system and ensuring the safety of prisoners threatened by the COVID-19 pandemic. The law provides for a 15 percent reduction in prison sentences and a 10 percent reduction of sentences for those who have not yet begun serving their sentences. The amnesty does not apply to the most serious crimes.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government usually observed these requirements. Detainees have a

right to be compensated in cases of unfounded detention, and the government generally follows these requirements.

Arrest Procedures and Treatment of Detainees

Arrests require a judicial ruling or a “reasonable suspicion by police that the suspect committed an offense.” Police generally made arrests using warrants issued by judges and based on sufficient evidence. Police and prosecutors may detain suspects for up to 72 hours before bringing them before a judge and charging them. Although the law prohibits excessive delay in filing formal charges against suspects and in conducting investigations, delays sometimes occurred. At arraignment, judges make an initial determination about the legality of the detention, and arraignment usually occurred within the prescribed period.

Courts increasingly used bail. Judges may also release defendants without bail and limit their movements, impose reporting requirements on them, or retain their passports or other documents to prevent flight. The law permits a detainee to have an attorney present during police questioning and court proceedings, and detainees generally had prompt access to a lawyer. Although legal assistance is required to be available for persons in need, financial constraints sometimes limited the quality and availability of assistance. Authorities must immediately inform the detainee’s family, common-law partner, or responsible social institution of an arrest, and they usually did so.

Arbitrary Arrest: Police continued to summon witnesses and suspects to police stations for “informational talks” and often used this practice to curb hooliganism during soccer matches or to reduce participation in opposition political rallies. This practice generally did not involve holding suspects longer than the six hours allowed by law, nor did it typically result in charges.

Pretrial Detention: Courts frequently ordered the detention of criminal defendants pending trial. The law sets the initial length of pretrial detention at 30 days but permits prosecutors to increase it by five months. When combined with extensions granted by trial judges, authorities could potentially detain a defendant legally for up to three years from arrest through completion of the trial or sentencing. The average detention lasted between 90 and 120 days. The length of

pretrial detention was usually shorter than the maximum sentence for the alleged crime. Authorities stated that pretrial detainees on average accounted for 30 percent of the prison population. Police often relied on prolonged pretrial detention as an aid to investigate crimes. The backlog of criminal cases in the courts also contributed to prolonged detention. The courts continued to reduce the backlog gradually.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary. While the government expressed support for judicial independence and impartiality, some NGOs, international organizations, and legal experts asserted that political pressure, corruption, and nepotism influenced prosecutors and judges. The process of appointing judges and prosecutors remained somewhat politicized, although the constitution and law provide for a prosecutorial council to select prosecutors and a judicial council to select judges.

The Council of Europe's Group of States against Corruption (GRECO) stated that outstanding issues remain about strengthening the Judicial Council's independence against undue political influence, including the ex officio participation of the minister of justice. GRECO described as "alarming" the lack of progress on the composition and independence of the Judicial Council, the body charged with upholding the independence and autonomy of courts. GRECO was particularly concerned by the ex officio participation of the minister of justice on the Judicial Council and the council's decision to reappoint five court presidents for at least a third term. While some progress was made in providing the public with information concerning disciplinary proceedings against prosecutors, the anticorruption monitoring body criticized the lack of similar progress in reviewing the disciplinary framework for judges.

In May parliament adopted amendments to the Law on State Prosecution, the government body tasked with selecting prosecutors. The amendments adjusted the composition of the council by reducing the number of prosecutors on the council by one and adding a civil society representative. The new Prosecutorial Council composition has 11 members: four prosecutors elected by the Conference of Prosecutors; two positions reserved for a representative of the Ministry of Justice,

Human and Minority Rights and the supreme state prosecutor; four “distinguished lawyers” elected by parliament; and one civil society representative elected by parliament. The Council of Europe’s Venice Commission warned that the proposed changes could lead to increased politicization of the Prosecutorial Council. The amendments also stipulated the cancellation of the previous council members’ mandates once the new council was formed. On August 5, Speaker of Parliament Aleksa Becic proclaimed a new, partial Prosecutorial Council, consisting solely of six members, notwithstanding parliament’s failure to elect new distinguished lawyers or a civil society representative. Although no new distinguished lawyers were named, Speaker Becic stated that the proclamation of the new, partial council automatically terminated the mandate of all previous council members and that the new, partial council had enough members to form a quorum. Prominent NGOs, legal experts, and other political parties and coalitions, including the Democratic Party of Socialists, United Reform Action, and the Democratic Front, criticized the proclamation of the partial council, with some alleging that the term of office of the existing distinguished lawyer members of the council had not and could not end until a full council is formed. The Venice Commission, in its opinion on the then draft Law on the Prosecution, discouraged arbitrarily terminating the mandates of existing council members.

Inadequate funding and a lack of organization continued to hamper the effectiveness of the courts. The law provides for plea bargaining, which is available for all crimes except war crimes and those related to terrorism.

Trial Procedures

The constitution and law provide for the right to a fair and public trial and the judiciary generally enforced that right, although many trials were delayed due to the COVID-19 pandemic. By law, defendants are presumed innocent. Authorities are required to inform detainees of the grounds for their detention. Defendants have the right to a fair and public trial without undue delay and to be present at their trial. Courts may close certain sessions during the testimony of government-protected or other sensitive witnesses. Authorities also close juvenile trials. Defendants have the right to consult an attorney in a timely manner in pretrial and trial proceedings. The law requires authorities to provide an attorney at public expense when a defendant is a person with disabilities or is already in detention,

destitute, facing a charge carrying a possible sentence of more than 10 years, being tried in absentia, engaged in a plea-bargaining process, or being questioned solely by police or Customs Authority officials during the preliminary investigative phase, upon the approval of a prosecutor. Defendants have the right to adequate time and facilities to prepare a defense; to free interpretation from the moment charged through all appeals; and to confront prosecution witnesses, present their own witnesses and evidence, and remain silent. Both the defense and the prosecution have the right of appeal.

The judiciary was unable to hold all criminal trials publicly due to a shortage of proper facilities. The shortage also affected the timeliness of trials. Systemic weaknesses, such as political influence and prolonged procedures, inconsistent court practices, and relatively lenient sentencing policy, diminished public confidence in the efficiency and impartiality of the judiciary. Lenient sentencing policies also discouraged the use of plea agreements, since they left little maneuvering room for prosecutors to negotiate better terms, thereby contributing to inefficiency in the administration of justice.

Courts may try defendants in absentia but by law must repeat the trial if the convicted individuals are later apprehended.

From May 24 through the end of July, the country's Bar Association went on strike in protest of proposed changes to the Law on Fiscalization, resulting in the suspension of court operations and the postponement of trials. The law regulates issuing of bills for products and services in real time through the internet and a fiscal service. Attorneys opposed the changes, claiming that they would violate client confidentiality, since bills submitted by attorneys would have to list the specific reason for the service. The changes would also create the possibility that fiscal inspectors could access protected client files during audits. Several NGOs involved in judicial matters, including the Association of Lawyers of Montenegro, European Association for Law and Finance, Human Rights Action, Women's Rights Center, Center for Civic Education, Association of Youth with Disabilities of Montenegro, Committee of Young Lawyers of Montenegro, Prima, Association of Parents, ADAMAS, and Alliance of Youth Workers released a statement noting the deleterious impact of the strike on the quick resolution of trial proceedings.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Misuse of International Law-enforcement Tools: There were credible allegations that the country attempted to misuse international law enforcement tools for politically motivated purposes as reprisal against specific individuals located outside the country.

In August 2020 Interpol's Commission for Control of International Arrest Warrants adopted the appeal filed by fugitive businessman Dusko Knezevic and revoked the arrest warrant issued for him in 2019. In 2019 and 2020, the country's special prosecutor filed six indictments against Knezevic for several crimes, including organizing a criminal group, money laundering, and tax evasion. In July the Special State Prosecutor's Office filed charges against businessman Knezevic and 12 other persons, including the Central Bank vice governor, for creating a criminal organization, abuse of official position in business, money laundering, and tax evasion. The charges remained pending at year's end.

Knezevic, who fled to London, accused President Milo Djukanovic of corruption, claiming the arrest warrant was issued upon pressure from persons close to the president and his family who were trying to take over Knezevic's business and properties. Knezevic had claimed that Interpol's arrest warrants against him were not in line with the organization's legal regulations. His legal representative, Zdravko Djukic, told media that revoking the arrest warrant against Knezevic proved that the indictments against him were politically motivated.

Toby Cadman, a London-based lawyer specializing in criminal law, human rights law, and extradition, told local A1 Television that Interpol also revoked its international red notice against British-Israeli political consultant Aron Shaviv, whom he represented. Montenegro prosecutors accused Shaviv of assisting an alleged 2016 coup attempt in the country. In 2020, after hearing arguments from both the defense and the prosecution, Interpol concluded, per Cadman, that the Montenegro-initiated red notice for Shaviv constituted "abuse of process" and was "politically motivated."

Civil Judicial Procedures and Remedies

The constitution and law provide for an independent judiciary in civil matters, and citizens had access to courts to bring lawsuits seeking damages for violations of constitutionally recognized human rights. Although parties brought suits alleging human rights violations and at times prevailed, perceptions that the system was subject to nepotism, corruption, and political influence led to widespread public distrust. According to NGOs, courts in most cases either rejected civil cases involving claims of human rights violations or proceeded on them slowly. When domestic courts issued decisions pertaining to human rights, the government generally complied with them. The Office of Ombudsman noted that the number of judicial violations of citizens' rights increased during the year, including violations of the right to presumption of innocence and an increase in complaints against the public prosecution.

Upon exhausting all other available effective legal remedies, citizens may appeal alleged violations of human rights to the Constitutional Court. Many cases filed with the court involved such complaints. The Constitutional Court has the authority to review all alleged constitutional and human rights violations. If it finds a violation, it vacates the lower court's decision and refers the case to an appropriate court or other authority to rectify the deficiency. NGOs and some regulatory bodies expressed frustration with the work of the Constitutional Court, arguing that the lengthy proceedings before returning a decision violated citizens' rights to a speedy trial. The Constitutional Court was not fully staffed, making majority rulings challenging. There were also administrative remedies for violations of constitutionally protected human rights. In cases of police abuse, citizens may address complaints to the Council for Civilian Control of Police Operations, which may then make recommendations for action to the chief of police or the interior minister. The Ombudsman's Office noted that even before operational delays caused by the COVID-19 pandemic, the long duration of trials, especially those that were deemed a high priority, eroded citizens' trust in the court system. This was particularly pronounced in disputes dealing with the establishment or termination of employment or the right to earnings and other wages. The office was also empowered to act in certain individual cases.

Once national remedies are exhausted, individuals, regardless of citizenship, may

appeal cases alleging government violations of the European Convention on Human Rights to the ECHR. The government has traditionally complied with ECHR decisions.

Property Seizure and Restitution

The government has laws and mechanisms in place, but NGOs and advocacy groups reported that the government did not make significant progress on resolution of Holocaust-era claims, including for foreign citizens. The pre-World War II Jewish population was estimated to have been approximately 30 individuals with no identified synagogue or communal property. There was one claim for restitution regarding Holocaust-era properties that involved the palace of the Marassi family, which the Society of Jewish Women from Belgrade bought in 1925 and utilized as a summer house for children. The property was confiscated by the Council of the National Liberation of the Kotor Municipality in 1956. The case was pending at year's end.

The country's restitution law was most recently amended in 2007, and the country has not passed any laws dealing with restitution following the endorsement of the Terezin Declaration in 2009, nor did it make any special provisions for heirless property from the Holocaust era. The passage of a law on the restitution of religious or communal properties would have minimal impact on the Jewish community, in view of its small size and the absence of identified prewar Jewish communal property. Any such legislation would mainly apply to properties confiscated from the Serbian Orthodox and Roman Catholic Churches during the communist era.

For additional information regarding Holocaust-era property restitution and related matters, please see the Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress at <https://www.state.gov/reports/just-act-report-to-congress/>.

A large number of restitution claims for private and religious properties confiscated during the communist era remained unresolved. Private individuals, NGOs, and the Serbian Orthodox Church criticized the government for delays in addressing this problem.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions without court approval or legal necessity and prohibit police from searching a residence or conducting undercover or monitoring operations without a warrant. The law requires the National Security Agency and police to obtain court authorization for wiretaps. Similarly, a 2018 Constitutional Court decision proclaimed that some provisions in the criminal procedure code regarding secret surveillance measures were unconstitutional and all requests must be approved by a court.

There were no official reports the government failed to respect these requirements for conducting physical and property searches. Human rights activists, such as the NGOs Network for Affirmation of the NGO Sector (MANS) and Institute Alternativa, continued to claim, however, that authorities engaged in illegal wiretapping and surveillance.

On May 27, one of the ruling parties, the Democrats, published a secretly recorded conversation between Tamara Nikcevic, a journalist for the public broadcaster Radio and Television Montenegro (RTCG), and her guest before they went on the air. The Democrats then filed criminal charges against Nikcevic for allegedly abusing her official position as a public television journalist by expressing critical views about the Democrats. Several NGOs criticized the Democrats for releasing the unauthorized recording.

On February 25, the Special Police Department filed criminal charges against former National Security Agency director Dejan Perunicic and former agency agent Srdja Pavicevic for abuse of office, illegal wiretapping, and surveillance carried out from January to September 2020 on several the then opposition leaders, the Serbian Orthodox metropolitan, and two journalists critical of the former government, Petar Komnenic (TV Vijesti) and Nevenka Boskovic Cirovic (RTCG).

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and

Other Media

The constitution provides for freedom of expression, including for members of the press and other media, and the government generally respected these rights.

Unsolved attacks against journalists, political interference with the public broadcaster, politically biased media reporting, and a deluge of ethnically divisive content and disinformation from Serbian outlets, however, continued to characterize the media landscape.

Freedom of Expression: Unlike 2020, during which the number of journalists, political activists, and private citizens who were detained and fined for posting disinformation, “fake news,” or insulting comments – mostly against government officials on social media – spiked, a much smaller number of individuals were prosecuted for social media postings during the year.

On April 28, the High Court of Podgorica convicted Aleksandar Jovanovic from Niksic to one year in prison for inciting ethnic, religious, and racial hatred through social media posts about Serbs. The same day, according to media reports, the High Court of Podgorica sentenced another individual from Niksic, Stefan Kovacevic, to seven months in prison for sharing an article containing hate speech against Muslims on his social media account.

Freedom of Expression for Members of the Press and Other Media, Including Online Media: While independent media were active and generally expressed a wide variety of political and social views, media regulators faced increasing demands during the year that they curtail the rebroadcast of material from Serbia inciting hatred and intolerance.

The Atlantic Council of Montenegro’s Digital Forensic Center (DFC) reported on September 16 that since October 2020, Serbia-based media published a total of 15,825 articles containing the keyword *Crna Gora* (Montenegro), with 9,698 of them directly dealing with Montenegro and its internal political affairs. Their reporting, the DFC stated, “in an extremely sensationalist and inciting way, often violating journalism ethics and human moral code of conduct...leads to dangerous prejudices against Montenegro, its citizens, and institutions.”

Several times throughout the year, opposition parties urged the country’s Agency

for Electronic Media (AEM) to ban rebroadcasting of programming from a few Serbian tabloid television stations for reportedly spreading hate speech. Following the August 30 broadcast of the Happy TV talk show “Will there be bloodshed in Montenegro?” about the enthronement of the Serbian Orthodox Church metropolitan, opposition parties and the Ministry of Public Administration, Digital Society, and Media called on the AEM to ban the broadcast.

On September 15, the AEM Council asked the Regulatory Body for Electronic Media in Serbia to initiate a procedure to determine the liability of the Happy TV and Pink TV channels, based in Serbia, for violating professional and ethical journalistic standards. The AEM asserted that the broadcasters continuously aired content that incited hatred, intolerance, and discrimination towards ethnic Montenegrins. The AEM further specified that those stations used derogatory, insulting, or disturbing language, denying the national identity of Montenegrins, and warned that if violations continued after 15 days it would restrict the rebroadcasting of the controversial programs in Montenegro. There were no official reactions by the Serbian regulator nor any subsequent actions by the AEM.

Violence and Harassment: Violence and harassment against journalists continued to be a problem. Heightened political tensions in the country posed a risk for journalists who were targets of physical and verbal attacks while reporting or commenting on election rallies, political and religious gatherings, and protests. Unsolved attacks from previous years contributed to an atmosphere of intimidation against media.

On March 20, a group of five or six opposition demonstrators threatened and then physically assaulted TV Vijesti journalist Sead Sadikovic. Police detained two attackers, and the basic prosecutor filed charges against them. On November 19, the trial began in the Basic Court of Bijelo Polje against Edin Dizdarevic (age 18) and Nermin Omerovic (age 21), the two attackers accused of insulting and physically assaulting Sadikovic.

On May 25, a columnist of the private Radio Antena M, Dragan Bursac, a strong critic of the Serbian Orthodox Church, received death threats through social media. From the same account, similar threats were sent to Antena M and its editor in chief, Darko Sukovic. Media outlets reported that on June 4, police arrested Srdjan

Misovic, a citizen of Bosnia and Herzegovina residing in Montenegro, on suspicion of threatening the journalists, and prosecutors opened an investigation into his activities. On October 25, the Basic Court of Kotor sentenced Misovic to a suspended sentence of four months in prison, which would not be executed if he did not commit a new crime in the next two years.

Protesters at antigovernment demonstrations sometimes verbally assaulted or obstructed journalists from reaching a demonstration, including TV Vijesti journalist Ljubica Milicevic and her crew on August 24, another TV Vijesti crew, led by reporter Danijela Lasica and an N1 TV crew, on September 5, the day of the enthronement of Serbian Orthodox Church metropolitan Joanikije.

On September 1, RTCG journalist Tanja Sukovic and cameraman Dragan Tomasevic filed criminal reports against several Serbian Orthodox priests for preventing them from filming a group of citizens in Cetinje who were holding a protest performance at the entrance of the Cetinje Monastery. Sukovic told media that the priests were aggressive and insulted her (as a Montenegrin) because of her ethnicity. The Serbian Orthodox Church responded that the RTCG crew did not have permission to film on church property.

Condemning the series of attacks and threats against journalists, the NGO HRA noted 14 cases of verbal and physical attacks, threats, insults, and humiliation of journalists and other media professionals over the first six months of the year with most taking place while journalists performed their work. On November 2, the NGO Center for Civic Education reported 17 attacks or threats against journalists and media crews over the first 10 months of the year. The NGO called it a concerning trend of intensified threats and assaults against journalists and media.

On May 27, the 17th anniversary of the murder of Dusko Jovanovic, the editor in chief of the daily newspaper *Dan*, Prime Minister Zdravko Krivokapic and Deputy Prime Minister Dritan Abazovic announced that the investigation was being reopened and that the case would finally be solved. As of November, no updates on the investigation had been made public.

There was also no progress in solving the 2018 shooting of *Vijesti* investigative reporter Olivera Lakic in Podgorica. Although media speculated about the alleged

progress during the year and police announced in 2019 that they had solved the case, identifying a criminal ringleader and eight members of his gang as the perpetrators, formal charges in the case have not been brought.

Censorship or Content Restrictions: Independent and pro-opposition media complained about unfair treatment and economic pressure from government ministries and agencies. Unprofessional journalistic behavior, combined with low salaries and political pressure, contributed to self-censorship and biased coverage of events.

Libel/Slander Laws: There is no criminal libel law, but media outlets faced libel charges in civil proceedings.

On March 29, the Court of Appeals confirmed the 2020 ruling of the High Court of Podgorica to sentence investigative journalist Jovo Martinovic to one year in prison for facilitating drug trafficking. Martinovic, an investigative freelance journalist who covered organized crime, spent 14 months in pretrial detention from 2015 to 2017 and therefore was not expected to serve additional time. In 2019 the High Court sentenced Martinovic to 18 months in prison for being part of an international drug smuggling network, but an appellate court overturned the verdict in September and sent the case back for retrial. Martinovic claimed his contact with convicted criminals was solely in the context of his work reporting on organized crime. Martinovic called the Appellate Court's decision politically motivated. Twelve local and international media organizations, including Reporters Without Borders and International Federation of Journalists, condemned the verdict and regretted that the Court of Appeals "has not seized the opportunity to acquit the internationally awarded journalist and send a message of support to investigative journalism in Montenegro."

Actions to Expand Freedom of Expression, Including for Media: In July 2020 parliament adopted two new media laws, a general law on media and a law on the public broadcaster RTCG to increase the RTCG's transparency. The NGO Media Center claimed that, despite the then government's declared intention to decrease political influence over the public broadcaster, the way the law defined the parliament's role in the appointment and dismissal process of the RTCG managing council, including allowing members of parliament to vote on the NGO-proposed

candidates, showed that it wanted to retain control over the RTCG.

Parliament ignored the NGO Media Center's complaints over the mechanism to select council members and on June 11, elected nine new members of the RTCG council. On August 6, out of four candidates who applied, the council elected civil activist Boris Raonic as RTCG director general. Media Center stated that four of the nine council members had conflicts of interest with Raonic, which was denied by Raonic and the council members.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no official reports that the government monitored private online communications without appropriate legal authority.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for freedom of association, and the government generally respected this right.

Freedom of Peaceful Assembly

The constitution and law provide for the freedom of peaceful assembly and association, and the government generally respected these rights. There were credible reports that the government selectively restricted freedom of peaceful assembly in conjunction with the issuance of health measures by the Ministry of Health to prevent the spread of COVID-19 through arbitrary arrests, detentions, and fines (see section 1.d.). Public gatherings within 164 feet of government buildings are prohibited.

Police asserted that they prohibited gatherings that would disturb public peace and order, cause public transmission of COVID-19, or interfere with traffic. In some cases authorities offered protesters alternate locations for demonstrations. In a few cases, police detained protesters for questioning or charged them with

misdemeanors.

Several NGOs, including Civic Alliance, stated that during the September 5 enthronement of the Serbian Orthodox Church metropolitan in Cetinje, police used disproportionate force against protesters, including tear gas and shock bombs, beyond the permitted means of crowd control. There were also unconfirmed reports of police using rubber bullets. The HRA stated that all complaints should be investigated and all those who violated the law should be prosecuted, protesters and police officers alike. The HRA found the events surrounding the enthronement of the metropolitan posed a significant risk to peace, due to the exacerbation of national and religious divisions for political purposes. The NGO stated that there were no fatalities and that the government had generally ensured respect for freedom of religion or belief and freedom of peaceful assembly.

Health measures were sometimes applied unevenly by authorities. Several NGOs criticized the government for issuing confusing and inconsistent announcements of limits on both outdoor and indoor public gatherings to contain the spread of COVID-19. For example, on September 26, the prime minister, joined by several cabinet members, politicians, and other public figures, violated government COVID-19 health restrictions at a religious ceremony, including by not wearing masks and not socially distancing. Inconsistent application of health measures was also raised by the Council for Civilian Control of Police Operations in 2020.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. COVID-19-derived public health restrictions included occasional bans on intercity travel and other movement restrictions, which some citizens protested.

e. Status and Treatment of Internally Displaced Persons

Ministry of Interior statistics indicated that between 2009 and September 2021, a total of 15,258 displaced persons (DPs) from the former Yugoslavia applied to resolve their residency status. Of these, 15,123 completed applications, 11,781 received permanent resident status, 616 received temporary resident status, and 135 applications remained pending. Individuals with temporary residence still needed support to acquire permanent residence because they still needed to acquire identity documents, such as birth and citizenship certificates, to get their passports.

Persons whose applications for “foreigner with permanent residence” status were pending with the Ministry of Interior continued to hold the legal status of DPs or internally displaced persons (IDPs). Some persons who were entitled to apply faced difficulties in obtaining the required documentation, particularly in regularizing previously unregistered births or paying the fees required to procure documents.

In April the government announced changes in criteria for receiving Montenegrin citizenship by admittance as well as amendments to the Law on Registries of Temporary and Permanent Residency. The proposed residency related amendments included an obligation that persons temporarily living abroad renounce their permanent place of residence in the country. Furthermore, removal from the temporary registry was understood as an interim step towards deletion from the voter registry and loss of suffrage. The initiatives sparked immediate protest, with some media outlets calling them an attempt at “demographic engineering” allegedly to offer citizenship to several thousand residents while revoking residency to thousands of Montenegrins temporarily living abroad. Following fierce reactions from the opposition, minority parties, and the diaspora community, the government suspended its decision to amend the conditions for acquiring citizenship while it prepared new draft amendments to the law to send to parliament for consideration.

With support of the Office of the UN High Commissioner for Refugees (UNHCR), the government, together with the government of Kosovo, continued to assist displaced Roma and Balkan-Egyptians in obtaining personal identification documents under a Montenegro-Kosovo agreement on late registration of births of

persons born outside the hospital system. By the end of 2019, approximately 1,400 persons received assistance through this cooperation, while 40 others remained in need of Kosovo documents to acquire permanent residence status in Montenegro. The process, supported by UNHCR, facilitated the registration of births of persons born in Montenegro or Kosovo, especially Romani, Ashkali, and Balkan-Egyptian children.

The COVID-19 pandemic slowed cooperation between Montenegro and Kosovo. During the year there were no organized returns of IDPs to Kosovo.

Conditions for IDPs and DPs from the Yugoslav wars varied. Access to employment, health care, and social services was sometimes limited due to language barriers, insufficient integration programs, lack of documentation, or unclear or inconsistent administrative procedures. According to UNHCR's livelihood study launched in 2018, many remained vulnerable, in need of support to become self-reliant, and continued to live below the poverty line. The COVID-19 pandemic additionally affected livelihood prospects and earnings of refugees from the former Yugoslavia, especially members of the Romani, Ashkali, and Balkan-Egyptian population. In April, more than a year into the pandemic, access to food and hygiene kits remained the most pressing needs of refugees from the former Yugoslavia.

Together with Croatia, Serbia, and Bosnia and Herzegovina, the country was a party to the Regional Housing Program, facilitated by international donors, to provide durable solutions for up to 6,000 DPs and IDPs in the country. DPs and IDPs continued to live in substandard dwellings, struggled to pay rent for private accommodation, faced problems obtaining sustainable livelihoods, or feared eviction from illegally occupied facilities known as informal collective centers, mostly in the coastal municipalities.

Restricted access to employment pushed many DPs into gray-market activities. Poor economic prospects particularly affected Roma, Ashkali, Balkan-Egyptians, and IDPs from Kosovo in urban areas due to their low levels of schooling and literacy, high unemployment, and other obstacles to full integration in society. The high unemployment rate affected the aging population across the country.

Although the law gives foreigners with permanent residence the full scope of rights of citizens except for the right to vote, DPs and IDPs from the former Yugoslavia sometimes had limited access to employment, education, property ownership, and specialized medical care due to the difficulty of obtaining official documents.

The government continued to encourage IDPs and DPs to return to their places of origin, but repatriation was essentially nonexistent due to the preference of many IDPs and DPs to remain in the country because they feared reprisals in their countries of origin, a lack of resources, or the lost bond with their country or place of origin. During the first eight months of the year, the situation worsened due to movement restrictions to contain the spread of COVID-19 and related health concerns.

f. Protection of Refugees

The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Access to Asylum: The law provides for the granting of refugee or subsidiary protection status, and the government established a system for providing protection to refugees. Authorities did not employ methods for managing mixed migration movements effectively, such as prioritization or accelerated procedures. Observers noted that attention and readiness to address the increased mixed flow of migrants remained focused on border control aspects, as authorities reported 2,351 illegal border crossings during the first eight months of the year, an increase from 2020.

During the first eight months of the year, the country continued to record transitory movements of migrants and refugees along the Western Balkans route and a smaller number of applications for asylum. As of August, 190 persons (8 percent) applied for asylum out of the 2,328 who had declared an intention to do so when crossing the border. The borders remained open for asylum seekers.

From January 1 to October 31, UNHCR registered 3,313 pushbacks into Albania on the country's border. They also registered approximately 191 pushbacks from Bosnia and Herzegovina, Serbia, or Croatia into the country. The two facilities for accommodation of asylum seekers – one in Spuz, fully funded by the government,

and one in Bozaj, partially funded by the government – were generally sufficient to accommodate all asylum seekers.

In response to processing delays caused by COVID-19, the Ministry of Interior Directorate for Asylum in conjunction with UNHCR undertook an initiative to resolve asylum applications that had been outstanding for more than six months. During the first eight months of the year, authorities conducted 41 interviews, compared with a total of 56 interviews in 2020. Of the total applications filed, as of the end of August, 55 asylum seekers had actively pursued their asylum claim; the claims had been pending for two to 31 months. Although the deadline for a decision is set at six months, it may be extended up to 21 months. Of the 190 asylum applications, only 10 (5.2 percent) were approved; inadequate follow-through on applications contributed significantly to this figure.

Access to Basic Services: Once the asylum procedure is initiated, asylum seekers are granted access to free health care and education for minor applicants in line with international standards, although barriers to access, including language and cultural differences, sometimes limited practical access. As of September 2020, asylum seekers residing in the country for more than nine months could get a personal identification number, which allowed them to register with the Employment Agency and be legally employed. This system, however, was functional only in a small number of municipalities. UNHCR continued its advocacy with the Ministry of Interior to issue personal identification cards to at least those asylum seekers eligible to work. Many refugees had difficulties obtaining documents, and thus accessing services such as health care, due to language barriers. Throughout the year, newly recognized refugees continued to face problems with the Ministry of Interior in obtaining identification documents after receiving refugee status, limiting their access to social and economic rights and benefits.

Durable Solutions: A path to citizenship for refugees is available but requires evidence that the applicant had renounced citizenship in his or her country of origin. The government provided support for the voluntary return or reintegration of DPs from countries of the former Yugoslavia. Those who chose the option of integration rather than return to their country of origin enjoyed access to basic services and naturalization in the country. Naturalized citizens were eligible to

vote two years after naturalization.

Temporary Protection: The government also provided international protection (called subsidiary protection) to individuals who may not qualify as refugees. During the first 10 months of the year, authorities did not approve subsidiary protection for any of the 231 requests submitted for international protection, while 11 persons were granted refugee status.

g. Stateless Persons

As of the end of August, 423 persons were at risk of statelessness or in a stateless-like situation. Since 2009 the government addressed the problem through simplified procedures for obtaining documents for refugees from the former Yugoslavia. Through reforms in 2015 and 2019 the government improved birth registration procedures, including for children abandoned by their mothers or whose mothers were without identity documentation.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: The country held parliamentary elections in August 2020. The elections were competitive and took place in an environment highly polarized over topics of religion and national identity. The Office for Democratic Institutions and Human Rights (ODIHR) stated the elections were overall transparent and efficient but highlighted that the ruling party gained an undue advantage through misuse of office and state resources and dominant media coverage. ODIHR also found the State Election Commission did not entirely fulfill its regulatory role, leaving many aspects related to voter registration unaddressed and failing to provide clear recommendations for protecting the health of voters and for facilitating mobile voting by voters in quarantine. ODIHR further noted the elections took place amid concerns about the government's inconsistent adherence to the constitution, including calling early elections without shortening parliament's mandate; introducing pandemic-related restrictions on public gatherings and rallies without

parliament calling a state of emergency; and initiating criminal proceedings and arrests for several members of parliament without a prior waiver of their immunity by parliament.

The European Network of Election Monitoring Organizations and ODIHR observers noted that election day was calm and peaceful but identified a few cases of minor irregularities that did not affect the electoral process. Unlike the previous parliamentary elections in 2016, all parties accepted the election results. ODIHR found that the lack of independent campaign coverage by media further undermined the quality of information available to voters. In the August 2020 election, opposition parties won a majority of the seats in parliament for the first time in 30 years.

The country held presidential elections in 2018. The ODIHR observation mission to the elections noted in its final report that although the candidate nominated by the governing party held an institutional advantage, fundamental freedoms were respected. Candidates campaigned freely, and media provided the contestants with a platform to present their views. The technical aspects of the election were adequately managed, although observers noted the transparency and professionalism of the State Election Commission remained matters of concern. Election day proceeded in an orderly manner despite a few observed procedural irregularities.

On February 5, the Appellate Court accepted the appeals of 13 defendants and annulled the 2019 verdicts by the Podgorica High Court in the 2016 failed coup attempt case, ordering the Higher Court to repeat the trial.

Political Parties and Political Participation: Political parties were able to form and operate freely. The largest constituent of the ruling majority, the Democratic Front (DF), and the major opposition party, the Democratic Party of Socialists (DPS), chose to boycott parliament occasionally.

On January 30, police briefly detained and then expelled eight Serbian citizens for a lack of valid temporary residency and work permits. The eight individuals, four of whom were reportedly members of Serbia's Progressive Party, were hired by Montenegro's New Serbian Democracy (NOVA) party, a core constituent of the DF

coalition, to upgrade the party's operations and update its voter data base ahead of local Niksic elections on March 14. Some media outlets reported that the expelled individuals were supposedly close to President Aleksandar Vucic and Serbian Security Agency agents and accused them of being heavily involved in the Niksic elections. To support the assertion, they highlighted the earlier seizure of money and computers from Serbia, which were allegedly intended to support pro-Serbian parties in the elections.

On February 25, Nik Gjeloshaj, the mayor of Tuzi, a predominantly ethnic Albanian municipality, accused the government of "politically" imposing COVID-19 restrictions on the municipality based on national identity. The measures, including the closing of the catering facilities and specific only to Tuzi, banned demonstrations organized by the mayor's party, Albanian Alternative, to protest the government. The government accused Gjeloshaj of civil disobedience and politicizing a health matter by organizing protests, while opposition and ethnic minority parties backed Tuzi leadership, blaming the national authorities for losing control over the pandemic. Meanwhile, police filed charges against Gjeloshaj and two more local communal police officials for calling for resistance to the measures.

Opposition parties condemned numerous dismissals among the state administration as politically motivated actions so that the ruling parties could install their members into the positions.

Participation of Women and Members of Minority Groups: No laws formally limit the participation of women or minorities in the political process, and they did participate. Ethnic Bosniak and Albanian minority parties complained of inadequate representation within the government. The law requires that at least 30 percent of a political party's candidates be female, and women held 27 percent of delegate seats (22 of 81) in the parliament, up from 22 percent (18 seats) in the previous parliament. In the new national government, women held four of the 12 ministerial seats. Out of 24 local governments, however, women were presidents of only two municipalities.

The largest minority groups in the country (i.e., Serbs, Bosniaks, and Albanians) had ethnic party representatives in parliament; Roma, Ashkali, and Balkan-Egyptians remained unrepresented. In the August 2020 parliamentary elections,

the two Croatian electoral lists did not pass the election threshold needed to win seats in parliament. Although the law provides representation to minority-affiliated parties that win less than 3 percent of the vote or constitute less than 15 percent of the population, the law does not apply to the Romani community. At the end of 2019, the Democratic Roma Party became the first Romani political party established in the country. The law also provides for positive discrimination in the allocation of electoral seats at the municipal level for minorities constituting 1.5 to 15 percent of the population. There were no political representatives of Roma, Ashkali, or Balkan-Egyptians at the municipal level.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and corruption remained a problem. Corruption and low public trust in government institutions were major issues in the 2020 parliamentary elections. There were numerous media and NGO reports that the new government upheld old patterns and that the public viewed corruption in hiring practices based on personal relationships or political affiliation as endemic in the government and elsewhere in the public sector at both local and national levels, particularly in the areas of health care, higher education, the judiciary, customs, political parties, police, the armed forces, urban planning, the construction industry, and employment.

The Agency for the Prevention of Corruption (APC) was strengthened through continued capacity-building activities and technical assistance during the year, but domestic NGOs were critical of the agency's lack of transparency and described periodic working group meetings with it as cosmetic and superficial. The European Commission noted that problems related to APC's independence, priorities, selective approach, and decision quality continued.

Agencies tasked with fighting corruption acknowledged that cooperation and information sharing among them was inadequate; their capacity improved but remained limited. Politicization, poor salaries, and lack of motivation and training of public servants provided fertile ground for corruption.

Corruption: Most citizen reports of corruption to the APC involved public administration, the private sector, and the judiciary. According to the NGO Network for Affirmation of the NGO Sector (MANS), a corruption watchdog, impunity for corruption and the use of tailor-made laws as vehicles for achieving and maintaining state capture are common in the country. MANS's analysis indicated that courts tended towards milder penalties for high-level corruption than for administrative corruption. MANS also found that courts have a more lenient attitude towards high-level corruption in the public sector, which caused multimillion-euro losses in the state budget, than to corruption in the private sector, where damages were less harmful to state finances. The corruption cases analyzed showed that high-level public officials received more favorable treatment before the courts than other accused persons. This worked heavily in favor of public officials, who even received suspended sentences when there is no legal basis. Key shortcomings in the judicial system are also related to a lack of transparency and free access to information.

In 2019, in an incident that came to be known as the “Envelope Affair,” businessman Dusko Knezevic, who was until then close to the DPS ruling elite, revealed a video clip from 2016 in which he was shown allegedly handing former Podgorica mayor and former high-ranking DPS official Slavoljub Stijepovic an envelope containing 97,000 euros (\$112,000) to fund the DPS election campaign. The amount was later determined to be 47,000 euros (\$54,000). In March the High Court rejected the indictment against Stijepovic for the second time, finding that he did not know where the funds he received from Knezevic, who was accused of money laundering and corruption, came from and that he did not intentionally plan to commit any criminal offense. The ruling parties, including the Democratic Front and Democrats, criticized the court's decision, stressing that it showed the need for urgent changes in the prosecution and judiciary. MANS separately requested the Special Prosecutor's Office to make public the proposed indictment against Stijepovic, based on which the court made its decision that MANS characterized as “scandalous.” In June the Court of Appeals revoked the decision and ordered the High Court to reconsider indicting Stijepovic, and on September 24, the Higher Court confirmed an indictment against him.

In July police issued an international arrest warrant for the former director of the

Real Estate Administration, Dragan Kovacevic, after he fled Montenegro in February. In an investigation by the Special Prosecutor's Office for Organized Crime, Corruption, War Crimes, Terrorism, and Money Laundering (SPO), Kovacevic was identified as the organizer of a criminal organization through which he allegedly misused his official position to appropriate oceanfront property valued at more than 660,000 euros (\$759,000). The SPO indicted Kovacevic, eight other persons, and one company. They were charged with multiple criminal offenses, including creation of a criminal organization; abuse of official position; abuse of official position through incitement; illegal occupation of land; extortion through incitement; extortion in complicity; abuse of position in business in conjunction with the criminal offense of forgery of a document; evasion of taxes and contributions; and abuse of position in business operations in conjunction with the criminal offense of forgery of a document.

Police corruption and inappropriate government influence on police behavior remained problems. Impunity remained a problem in the security forces, according to the NGOs Human Rights Action and MANS. They noted there was no clear mechanism to investigate instances of impunity. There was also a widespread view that personal connections influenced the enforcement of laws. Low salaries sometimes contributed to corruption and unprofessional behavior by police.

Human rights observers continued to express concern over investigative delays (even factoring in the difficult operating environment because of COVID-19) and the low number of prosecutions of security force personnel accused of human rights abuses. Police did not provide information about the number of human rights complaints against security forces or investigations into complaints. The prosecutor's office, which is responsible for investigating such abuses, seldom challenged the Police Administration's finding that its use of force was reasonable. Human rights observers claimed citizens were reluctant to report police misconduct due to fear of reprisals.

Watchdog groups alleged that the continuing police practice of filing countercharges against individuals who reported police abuse discouraged citizens from reporting and influenced other police officers to cover up responsibility for violations. An external police oversight body, the Council for Civilian Control of Police Operations, stated that identification of police officers who committed

alleged abuses was problematic because officers wore masks and were not willing to admit personal responsibility. Although part of their uniform, the masks contributed to de facto impunity because police officers who perpetrated abuses could not be identified, and their units and commanders were unwilling to identify one of their members.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Several domestic and international human rights groups operated, generally without government restriction, investigating and publishing their findings on human rights cases. Government officials were usually cooperative and responsive to the views of international groups, but some domestic NGOs assessed this cooperation as uneven and noted that the government selectively ignored their requests for information under the Law on Free Access to Information. In its *2020 Progress Report on Montenegro*, the European Commission stated that the amount of information classified by public institutions and withheld from the public grew, thus restricting the access of NGOs and the public to key policy decisions. The report added that this concern needed to be addressed as a matter of priority, including in reviewing the legal framework, to ensure civil society has genuine oversight in key policy areas.

Government Human Rights Bodies: The ombudsman served within the Office of the Protector of Human Rights to prevent torture and other forms of cruel, inhuman, or degrading treatment or punishment as well as discrimination. The Office of the Protector of Human Rights may investigate alleged government human rights violations and inspect such institutions as prisons and pretrial detention centers without prior notification. It may access all documents, irrespective of their level of secrecy, relating to detainees or convicts and talk to prisoners or detainees without the presence of officials. The office may not act upon complaints about judicial proceedings in process, except when the complaint involves delays, obvious procedural violations, or failure to carry out court decisions. The ombudsman may propose new laws, ask the Constitutional Court to determine whether a law violates the constitution or treaty obligations, evaluate

particular human rights problems upon request of a competent body, address general problems important for the protection and promotion of human rights and freedoms, and cooperate with other organizations and institutions dealing with human rights and freedoms. Upon finding a violation of human rights by a government agency, the ombudsman may request remedial measures, including dismissal of the violator, and evaluate how well the agency implemented the remedial measures. Failure to comply with the ombudsman's request for corrective action is punishable by fines of 500 to 2,500 euros (\$575 to \$2,880). The government and courts generally implemented the ombudsman's recommendations, although often with delays. The ombudsman operated without government or party interference and enjoyed cooperation from NGOs.

Parliament has a 13-member Standing Committee for Human Rights and Freedoms and a 13-member Standing Committee for Gender Equality. The new Ministry of Justice, Human and Minority Rights, established in 2020, worked on its administrative capacity, but NGOs stated that dismissal of the minister in June affected its effectiveness. NGOs also noted difficulty identifying appropriate working-level points of contact within the ministry and across the government.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: These acts are illegal, and authorities generally enforced the law. In most cases the penalty provided by law for rape, including spousal rape, is one to 10 years in prison, although the law permits lower sentences in cases where there are exceptionally extenuating circumstances or a significant lack of evidence. Actual sentences were generally lenient, averaging three years. Judges often used questionable methods, including forcing confrontations between victims and perpetrators, to assess the credibility of victims. NGOs expressed concern about the security of the courtrooms where victims were often forced to meet with abusers. On more than one occasion, the NGO Safe Women's House has reported perpetrators physically attacked domestic violence survivors in the courtroom during the trial and in view of the judge. The NGO emphasized the problem of very small courtrooms where victim and perpetrator sit very close to one another without police protection.

Domestic violence is generally punishable by a fine or a one-year prison sentence. According to UNICEF data, 42 percent of Montenegrin women experienced intimate partner violence during their lifetime, while just 12 percent of survivors reported the violence to authorities. According to NGO reports, domestic violence survivors continued to experience difficulties having their cases prosecuted in the judicial system, promoting an atmosphere of impunity for abusers. This problem was further compounded by the additional constraints on prosecutors and the courts due to the COVID-19 pandemic. In some cases police were quick to dismiss allegations of domestic violence, particularly for young couples, noting that the problems would be resolved over time. When their cases were tried in court and they received a judgment in their favor, survivors noted the sentences imposed on perpetrators were lenient and dominated by suspended sentences and fines. Lengthy trials, economic dependency, societal norms, and a lack of alternative housing often forced survivors and perpetrators to continue to live together.

Police response to domestic violence was also reported to be substandard, with officers often counseling women to “forgive” their attackers or to “not harm their (the attackers) job prospects.” Cases involving perpetrators who were also public officials remained problematic. In the case of a police officer who attacked and injured a woman in a nightclub in 2019, the Basic Prosecutor’s Office stated that in his actions there were no elements of a criminal offense, and charges were not pressed, so police filed a misdemeanor report against him. Other institutions’ responses were also problematic. According to NGOs, social centers have increasingly taken actions to keep victims and abusers together in order to preserve the family structure or pay one-time assistance for rent, rather than accommodating victims in licensed shelters and providing other needed support to them, including psychological and legal support.

On September 30, a 19-year-old woman was killed by her common-law husband, who also severely injured her father. Her husband subsequently turned himself in to police after protesters gathered in Tuzi to demonstrate support for the victim’s family and push authorities to investigate, a call echoed by the prime minister. At year’s end it remained unclear whether charges were filed over the killing. The victim had previously filed a complaint in August against her husband, from whom

she had separated, for constant harassment and threats. In response, police filed a complaint against the man for threatening his wife. The Basic Prosecutor's Office in Podgorica, however, determined that there were no elements of a criminal offense, sending the case to the Misdemeanor Court, which acquitted the suspect.

On October 21, a husband killed his wife in their family house in Petnjica and then committed suicide. According to police, their 15-year-old daughter was seriously injured in the incident. A month later, the minister of interior acknowledged failures by police officers in this case. The minister explained that the victim's son had reported an incident of violence involving his parents to the Center for Social Work months prior to the killing, which the center forwarded to police. Despite this, police did not visit the scene of the incident, electing instead to conduct a telephone interview of the husband without interviewing the wife or her children. Based on this interview, police concluded that there was no reason to go to the scene and the situation was calm. The case was closed until the killing occurred a few months later. At year's end the officers involved were under internal review to determine responsibility.

In July President Milo Djukanovic pardoned Tomas Boskovic, who had been sentenced in June to 30 days in prison for illegally preventing his former wife from seeing their minor children for three years. The former wife was a victim of domestic violence. The president signed the pardon according to the opinion of the head of the Ministry of Justice and Human Rights and the minister of interior. NGOs dealing with human rights and protection from domestic violence and violence against women strongly protested the president's decision to pardon convicted family abuser Tomas Boskovic, who, according to them, continuously abused his parental rights, disrespected the law and court decisions, and worked against the interests of his minor children by not allowing them to have contact with their mother for three years. With this decision, NGOs stated, the president encouraged illegal behavior and disrespect for court decisions to the detriment of children and discouraged all parents who struggle to contact their children in accordance with court decisions. They also stated that by this act, the government committed outrageous institutional discrimination against women and children who are victims of violence and violated legally binding international standards, primarily the standards of the Convention on the Rights of the Child and the

Istanbul Convention.

Domestic violence remained a persistent and common problem. The law permits survivors to obtain restraining orders against abusers. When the abuser and survivor live together, authorities may remove the abuser from the property, regardless of ownership rights. This was rarely done, and NGOs reported that, as a result of the Ministry of Health's COVID-19 restrictive measures, women were spending more time with abusers. Domestic violence was a serious problem in all communities.

According to NGOs and the ombudsman, female survivors of domestic violence often complained that government-run social welfare centers did not respond adequately to their appeals for help. NGOs reported that state institutions did not provide physical protection for survivors.

The government, in cooperation with an NGO, operated a free hotline for victims of family violence. The NGO SOS Line Niksic, which ran the hotline, reported a steady rise in domestic violence cases since 2019, driven by both increased reporting and the economic and psychological stresses of COVID-19. From January to May, they hosted 38 possible survivors of domestic violence (both women and children) in their shelter, 55 percent higher than the same period in the previous year. The government promoted use of the NGO SOS Hotline in Niksic, and the UN Development Program (UNDP) developed the mobile application "Be safe" as tools for domestic violence survivors to call for help. NGOs continued to report that, despite some progress, particularly in the law, government agencies responded inadequately to prevent domestic violence and help survivors recover.

According to NGOs, because of the restrictive COVID-19 measures, authorities failed to address domestic violence in a timely manner, leaving survivors with limited support. The NGO Women's Rights Center stated that perpetrators often confiscated victims' cell phones and not all survivors were able to use digital tools, which limited reporting. The NGO Women Safe House stated that the crisis caused by the COVID-19 pandemic exposed women who lived with violent partners to even greater control and violence. According to a Women's Safe House focus group survey, key reasons why women decided not to report the violence were fear of the perpetrator, uncertainty over the pandemic, lack of family support,

and lack of trust in state institutions. More than two-thirds of women who participated in the focus group believed that bad economic conditions, isolation, and feelings of uncertainty contributed to the increase in domestic violence during the pandemic.

In 2020 local NGOs reported a case in which police in Niksic refused to accept a complaint and call for help of a Romani survivor of domestic violence seeking safe refuge at a police station, despite being accompanied by a caseworker from the NGO Center for Roma Initiatives. The survivor, a trafficking victim who entered the country illegally in 2019 after escaping a forced marriage in Kosovo, had been forced to marry a man in Bar, then marry a man in Herceg Novi. During both marriages, the survivor faced domestic violence, including seizure of her personal documents. Upon fleeing to stay with acquaintances in Niksic, she faced an attempted rape by a family friend. While in Niksic, the survivor was advised by the Center for Roma Initiatives to file a complaint with police concerning her abuse. Because the survivor was from Kosovo, police refused to act without first receiving permission from a health inspector due to COVID-19 restrictions. The inspector required the survivor and the NGO caseworker to self-isolate for 14 days, a period later extended to 28 days. Homeless and unable to find accommodation due to the self-isolation requirement, the survivor spent the night in front of the police station with her infant, after which she returned to her abuser, as she risked facing criminal charges for violating public health measures. The Center for Roma Initiatives continued to advocate on her behalf with police, who finally allowed her to be accommodated at an NGO-run shelter in mid-April 2020. The Ministry of Interior's Department for Combatting Trafficking in Persons took up the survivor's case, and in June 2020 she was transferred to the Shelter for Victims of Trafficking in Persons. Officials investigated the case as human trafficking rather than as domestic violence; the Higher Court in Podgorica prosecuted one man for trafficking in persons in connection with the case.

Other Harmful Traditional Practices: Child marriage continued to be a problem in Romani communities (see section 6, Children, subsection on Child, Early, and Forced Marriage). Although illegal, in many Romani communities, the practice of paying a traditional “bride price” of several hundred to several thousand euros for girls and women to be sold into or purchased from families across the border in

Kosovo or Albania led to concerns about trafficking in persons. The potential to be “remarried” existed, with some girls being sent back to their families, then being resold, and the money then given to the former spouse’s family. These practices were rarely reported, and police rarely intervened, viewing the practices as “traditional.” These practices led to girls withdrawing from school at a rate much higher than boys, limiting their literacy and ability to provide for themselves and their families, essentially trapping them in these situations.

Sexual Harassment: Sexual harassment is not defined as a crime under the law. According to the Center for Women’s Rights, sexual harassment, including street harassment, of women occurred often, but few women reported it. Public awareness of the problem remained low. Victims hesitated to report harassment in the workplace due to fears of employer reprisals and a lack of information about legal remedies. Stalking or predatory behavior with physical intimidation is punishable by law with a fine or up to three years’ imprisonment.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. The country continues to require sterilization to confer legal recognition of gender identity for transgender individuals. While free health care was available to citizens, health-care costs acted as a barrier for noncitizens and those lacking identification documents to access regular prenatal care. Due to poor education and living conditions, Romani and Balkan-Egyptian women seldom visited gynecologists, obstetricians, or any other doctors and had the least access to family planning counseling and gynecological services. Seeking to improve knowledge of reproductive rights within the Romani and Balkan-Egyptian community, the Center for Roma Initiatives organized a series of focus groups with the intention of developing a targeted action plan on improving Romani and Balkan-Egyptian reproductive health. Romani and Balkan-Egyptian women able to access these services often reported discriminatory treatment, including verbal harassment. Women outside these communities also reported verbal harassment when accessing reproductive health services. NGOs noted that such harassment was often unreported due to inadequate victim support mechanisms. Depending on the location, there was one gynecologist per 5,000 to 8,000 women, which affected women’s access to routine health services during pregnancy and childbirth.

Although there were no legal barriers to contraception, a 2020 UNFPA report indicated the country had enacted only 37 percent of legislation and regulations necessary to provide for full and equal access to contraceptive services. According to NGOs, there was a lack of publicly available information and appropriate educational programs, and economic status and restrictions by partners were barriers preventing women from using contraception.

The government provided access to sexual and reproductive health services for survivors of sexual violence, but that did not include emergency contraception. NGOs stated that these services were often not tailored to those experiencing sexual violence and that persons performing examinations sometimes lacked the necessary expertise to prepare a valid forensic report. Victims also often wait up to seven days for an examination, and there is no specialized center for supporting victims of sexual violence.

Discrimination: The law provides for the same legal status and rights for women as for men. All property acquired during marriage is joint property. The government enforced these laws somewhat effectively. The NGO SOS noted, however, that women often had trouble in defending their property rights in divorce proceedings due to the widespread public belief that property belongs to the man. Sometimes women ceded their inherited property and inheritance rights to male relatives due to tradition and pressure from their families. Men consequently tended to be favored in the distribution of property ownership, sometimes limiting a woman's options in the cases of domestic violence or divorce. Women continued to experience discrimination in salaries and access to pension benefits (see section 7.d.).

The Department for Gender Equality worked to inform women of their rights, and parliament has a committee on gender equality. The government has a 2017-21 strategy on gender equality. In 2020 the government published the *Gender Equality Index for Montenegro*, one of a series of indices that measures inequalities in EU member states and countries in the EU accession process. On a rating scale of zero to 100, the index measured labor, money, knowledge, time, power, health, and violence. The largest inequality between men and women was noted in the category of power (35.1), followed by time (52.7), knowledge (55.1), money (59.7), and work (65.2). The greatest level of equality was reported in health

(86.9).

Female judges who were forced to retire two years ahead of their male peers, per existing law, brought a complaint against the Judicial Council on the ground of discrimination. Throughout the year female political figures were the target of public, misogynistic insults, and occasional death threats, both online and by public figures. For example, in April the minister of education, science, culture, and sport, Vesna Bratic, was depicted in sexist and vulgar caricature with then bishop Joanikije. Local NGOs condemned this incident, stating that the mockery and shame to which Minister Bratic was exposed because of her gender did not, nor could not, have any justification and represented a brutal misogynistic attack on Bratic as a person with the intention to hurt, insult, and humiliate her.

According to Romani rights NGOs, one-half of Romani women between the ages of 15 and 24 were illiterate. Romani women often faced double discrimination based on their gender and ethnicity.

Gender-biased Sex Selection: Although illegal, medical professionals noted that gender-biased sex selection took place, resulting in a boy-to-girl ratio at birth of 110 to 100. The government did not actively address the problem.

Systemic Racial or Ethnic Violence and Discrimination

Some reporting by Serbia-based media outlets, popular among Montenegrin-Serb populations in the country, contributed to rising tensions between ethnic groups. Tabloid television stations, portals, and online media continued to report intensively about Montenegro and its internal political developments during the year frequently using ethnically charged, inflammatory language playing on ethnic and national differences and disinformation, particularly over local elections in Niksic on March 14 and Herceg Novi on May 9, as well as around the enthronement of the country's Serbian Orthodox Church metropolitan Joanikije on September 5.

Following the September 5 enthronement of the Serbian Orthodox metropolitan in Cetinje, ethnic tensions between Montenegrins and Serbs increased. The NGO Civic Alliance stated that the event deepened the already existing divisions in Montenegrin society.

Roma, Ashkali, and Balkan-Egyptians remained the most vulnerable victims of discrimination, mainly because of prejudice and limited access to social services due to a lack of required documentation. The law on citizenship and its accompanying regulations make obtaining citizenship difficult for persons without personal identity documents or those born outside of a hospital. Access to health-care services, including childbirth, remained challenging for members of these communities due to their lack of medical-care cards.

According to the Roma Education Fund, the poverty rate among Roma, Ashkali, and Balkan-Egyptians remained higher than for the general population. Many Roma, Ashkali, and Balkan-Egyptians lived in illegal squatter settlements that often lacked services, such as public utilities, medical care, and sewage disposal. NGOs reported that several Romani neighborhoods did not have running water, which prevented, for example, the Vreli Ribnicki Romani community from complying with health recommendations. The NGO Young Roma stated that one of the biggest problems for the Romani community living in illegal squatter settlements was the risk of eviction, especially in the southern part of the country. According to the NGO Center for the Affirmation of Roma and Egyptian Population, the Roma and Balkan-Egyptian population, particularly children, faced discrimination during schooling, problems arising from unresolved legal status, the lack of employment opportunities, and poor housing (also see section 6, Children, subsection on Education). Albanians and Bosniaks in the southern and northeastern parts of the country also frequently complained about central government discrimination and economic neglect.

On February 11, the Hadzi-Ismael Mosque in Niksic was defaced with graffiti saying “Srebrenica,” “Turks,” and “Niksic will be Srebrenica.” The Hadzi-Ismael Mosque is the only mosque for Niksic’s Muslim population of approximately 1,500. The government, NGOs, and other religious groups condemned the graffiti.

Government-supported national councils for Serbs, Bosniaks, Albanians, Muslims, Croats, and Roma represented the interests of those groups. NGOs, legal observers, and media outlets continued to accuse the government of misappropriating money from a fund established to finance the national councils.

The Ministry of Justice, Human and Minority Rights stated that the government

continued to provide housing for marginalized groups, including Roma. During the year the government adopted a new *Strategy for Social Inclusion of Roma and Balkan Egyptians 2021-2025* and the *Action Plan for 2021*. The previous government's strategy resulted in some improvement in the number of Romani children attending school, access to health care, and access to housing.

Children

Birth Registration: Children derive citizenship from their parents and, under some circumstances, by birth in the country, through naturalization, or as otherwise specified by international treaties governing the acquisition of citizenship. Registration of birth, a responsibility of the parents, is required for a child to have the necessary documents to establish his or her citizenship. Births of all children in hospitals and medical institutions were registered automatically. The parents of Romani, Ashkali, and Balkan-Egyptian children not born in hospitals registered their births at much lower rates than other groups, mostly due to lack of awareness of the registration process or the parents' own lack of identification documents. It was difficult for the unregistered children of Romani and Balkan-Egyptian parents to access such government services as health care, social allowances, and education. Of the Romani and Balkan-Egyptian children in primary school, 10 percent were not registered.

Education: The law provides for free, compulsory elementary education for all children. Secondary education is free but not compulsory. Enrollment in secondary education starts at the ages of 14 or 15. NGOs reported that the end of elementary education represented one of the most vulnerable moments for Roma and Balkan-Egyptian children, especially girls, since without school attendance monitoring, children were left to their parents and were vulnerable to "traditional" marriages. UNICEF data indicated that during 2020 the COVID-19 pandemic resulted in a socioeconomic crisis, and children became more vulnerable to poverty, violence, and social exclusion and less able to acquire knowledge as schools closed and education went digital. A Rapid Social Impact Assessment by the UN, co-led by UNICEF and the UNDP, found that in April and June 2020, the country's poorest households were increasingly unable to meet their children's most basic needs, particularly affecting Roma and Egyptian children, children with disabilities, and refugee and migrant children. Half of the Roma and Balkan-

Egyptian children dropped out of primary school, and only 3 percent completed high school. UNICEF noted there was not sufficient data on children with disabilities to assess their participation in and access to schooling.

NGOs reported that, although the number of Romani children attending school increased, they continued to face limitations in education. The NGO Young Roma reported that its research showed the average score of Romani children in schools was 2.23 out of five – just above passing – which reduced their chances of continuing their education later. The enrollment rate for Roma primary school pupils slightly increased in 2019-20 compared to 2018-19, compared to the higher birth rate. There was a persistent lack of data on the overall number of Romani children who should be enrolled in the education system, especially in obligatory primary education. In the 2019-20 school year, a total of 1,803 Roma and Egyptian children were enrolled in primary schools (compared with 1,793 in 2018-19), only 142 in secondary school and there were 13 high school students. The NGO Pihren America stated that Romani children were additionally disadvantaged due to the shift to online schooling as a result of the COVID-19 pandemic, since not all families had access to electricity or computers to facilitate virtual learning.

Child Abuse: Penalties for child abuse range from a year in prison for violence without a weapon to 12 years' imprisonment for actions that result in the victim's death; however, severe penalties were rarely imposed and short prison stays, suspended sentences, or small fines were the norm.

The Ministry of Health reported that child abuse remained a problem, with every third child subject to emotional abuse, while every fourth child was a victim of physical abuse. Many children, particularly high school students, were exposed to alcohol, drugs, and violence. The ombudsman noted that child sexual abuse victims were usually girls between ages 14 and 16. The abusers were mostly close relatives of the children, and abuse usually occurred at home. The very low number of reported cases of sexual violence against children raised concerns about identification of victims. To address the problem of child abuse, the government developed, in conjunction with UNICEF, a document called the *Strategy for Exercising the Rights of the Child 2019-2023*. The strategy set out a comprehensive “whole of government” approach to improving the conditions for exercising children's rights in all areas covered by the UN Convention on the

Rights of the Child and its optional protocols.

Authorities prosecuted child abuse when they had cases with enough evidence, and the government worked to raise public awareness of the importance of reporting cases. Facilities and psychotherapy assistance for children who suffered from family violence were inadequate, and there were no marital or family counseling centers. Authorities sometimes placed juvenile victims of domestic violence in the children's correctional facility in Ljubovic or in the orphanage in Bijela.

In September the Basic Court in Podgorica convicted a man and sentenced him to the maximum sentence of two year's imprisonment for the criminal offense of prolonged illicit sexual activity with a 12-year-old girl. The man was in custody since the beginning of April, which was extended after the verdict; the time spent in custody was expected to be included in his prison sentence.

In April several thousand individuals protested in Podgorica against extremely low penalties for sexual offenses against children. The law prescribes that the perpetrator be punished by a fine or maximum two years of imprisonment for illicit sexual activity committed against a child; imprisonment for two to 10 years, if the act caused grievous body injuries to the person or if an act was committed by several persons or in a particularly cruel or particularly degrading manner. If, as a result of the act, the child died, the perpetrator is punishable by imprisonment for a term between three and 15 years.

Child, Early, and Forced Marriage: The minimum legal age for marriage is 18 in most cases, but persons as young as 16 may marry with the consent of a court or a parent. Punishment for arranging forced marriages ranges from six months to five years in prison, but convictions were rare, generally due to a lack of evidence or poor understanding of the law.

Child marriage was a serious problem in the Romani and Balkan-Egyptian communities. According to UNICEF, 32 percent of Romani girls and one in six Romani boys between ages 15 and 19 were married. There continued to be reports of underage girls being sold into "traditional" or "arranged" marriages without their consent, including to persons in neighboring countries. These marriages generally did not meet the criteria necessary for legal, documented marriages. As

such, they were difficult to track and regulate, regardless of legality.

In 2020 the government launched the “Children are Children” campaign to raise awareness of the harmful effects of child marriage in the Romani and Balkan-Egyptian communities and explain the applicable regulations and procedures for protecting children from arranged marriages. The campaign was conducted by the Ministry of Interior, the Ministry of Labor and Social Welfare, and the Police Administration in cooperation with the NGO Center for Roma Initiatives, and it focused on working with members of the Romani and Balkan-Egyptian communities in Podgorica, Niksic, Tivat, and Berane.

The custom of buying or selling virgin brides continued in the Romani, Ashkali, and Balkan-Egyptian communities. Brides found not to be virgins prior to marriage faced severe repercussions, including violence, from the groom’s family, their family, and the community at large.

The government implemented some measures to prevent underage marriage, including enforcing mandatory school education.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation, sale, and offering or procuring for prostitution, and the country partially enforced the law. The age of sexual consent is 18. There is a statutory rape law. Sexual activity with a juvenile carries a prison sentence of up to three years. Paying a juvenile for sexual activity carries a prison term of three months to five years. Authorities may fine or imprison for one to 10 years any person found guilty of inducing a minor into prostitution.

Child pornography is illegal, and sentences for violators range from six months in prison for displaying child pornography to eight years for using a child in the production of pornography.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

The Jewish community population was estimated to be approximately 400 to 500 individuals. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

Persons with disabilities did not have access to education, health services, public buildings, and transportation on an equal basis with others. The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities. The government was implementing the *Strategy for Integration of Persons with Disabilities 2016-2020*, but NGOs claimed it did not do so effectively. During the year a network of 10 NGOs that worked with persons with disabilities continued to coordinate and monitor implementation of the government's strategy. The NGO Youth with Disabilities (YWD) stated that although the Ministry of Finance and Social Welfare oversees the register of persons with disabilities established pursuant to the strategy, there were problems consolidating information on persons with disabilities that had been collected by different state institutions and included new data from persons who had not previously registered with any institution. Government information and communication were not provided in accessible formats.

Authorities generally enforced the requirement that new public buildings be accessible to persons with disabilities, but most public facilities, including buildings and public transportation, were older and lacked access. Although election laws specifically require accessible polling places, according to NGOs, approximately 65 percent of polling stations remained inaccessible during the 2020 national parliamentary elections. In addition ballot templates for persons with visual disabilities were missing in 17 percent of polling stations. Individual abuses of the right to vote with a proxy voter were also reported. After the Constitutional Court declared unconstitutional the provision on legal capacity as a precondition

for exercising the right to vote, all citizens deprived of legal capacity were returned to the voter list by the Ministry of Interior, at the initiative of the YWD. The inaccessibility of polling stations led several persons with disabilities to initiate court proceedings to establish discrimination had occurred and, according to the YWD, there was some improvement in the accessibility of polling stations used during local elections in Niksic and Herceg Novi during the year, following active civil advocacy.

Some renovations of existing government buildings took accessibility into account, such as the construction of a central elevator at the Ministry of Foreign Affairs, which was completed in January 2020. The renovation of parliament's plenary hall made it more accessible, including installation of an elevator and wheelchair-compatible seating space. Despite legal protections, persons with disabilities often hesitated to file charges against persons or institutions seen to be violating their rights. Observers ascribed this reluctance to the adverse outcomes of previous court cases or, according to the ombudsman, to insufficient public awareness of human rights and protection mechanisms relating to disabilities. Discrimination cases that the YWD initiated against the Ministry of Finance, a health center in Podgorica, the Montenegrin Fund for Solidarity Housing Construction, and social centers in Podgorica, Tivat, and Budva continued through the year, with three of the cases concluding in rulings in favor of persons with disabilities.

According to NGOs, the Council for Care of Persons with Disabilities, chaired by the minister of labor and social welfare, which has responsibility for policies protecting the rights of persons with disabilities, did not meet during the year. The NGO Association of Youths with Disabilities noted that the failure of this body to hold any sessions led to a lack of institutional mechanisms for persons with disabilities to engage with the government and their subsequent exclusion from decision-making processes.

According to NGOs, services at the local level to children with mental and physical disabilities remained inadequate. Associations of parents of children with disabilities were the primary providers of these services. The law permits parents or guardians of persons with disabilities to work half-time, but employers did not respect this right.

The government made efforts to enable children with disabilities to attend schools and universities, but the quality of the education they received and the facilities to accommodate them remained inadequate at all levels. There are three models of education for children with disabilities in the country: mainstream schools, segregated classes at mainstream schools, and resource centers (public educational institutions that provide children with disabilities with necessary academic and social tools, training, and support), of which there were three in the country. The laws governing education also provide for the creation of special commissions by municipalities to provide guidance in the educational process for children with disabilities. Such guidance does not apply to other children. The YWD stated that the last two models are tantamount to segregation of students with disabilities, which is considered a form of discrimination under the law. NGO monitoring of the education of children and young persons with disabilities showed that commissions often referred them to a limited number of primary and secondary schools and that no child with a disability was admitted to a gymnasium (the most prestigious type of preparatory school for students who were expected to continue in postsecondary education), which the NGO found unacceptable.

NGOs also stated that supported-living assistance at home and similar services were not provided to families and parents of children with disabilities. The COVID-19 pandemic further complicated the schooling of children with disabilities, many of whom remained without adequate teaching assistance. Paid leave was not ensured to some parents of children with disabilities.

Persons with disabilities were often institutionalized or encouraged towards institutions, which perpetuated stigmatization. Persons with physical disabilities also had difficulty in obtaining high-quality medical devices to facilitate their mobility through health and social insurance.

HIV and AIDS Social Stigma

The NGOs Juventas and the Montenegrin HIV Foundation stated that persons with HIV/AIDS were stigmatized and experienced discrimination, although most discrimination was undocumented. Observers believed fear of discrimination, societal taboos relating to sex, and the lack of privacy of medical records discouraged many persons from seeking testing for HIV. NGOs reported patients

often faced discrimination by medical personnel and received inadequate treatment. Due to the COVID-19 pandemic, individuals had difficulty or were unable to access HIV testing and medication, which was available only in Podgorica, and medical personnel failed to provide adequate treatment

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

The law forbids incitement of hatred based on sexual orientation and prohibits discrimination against individuals based on sexual orientation or gender identity. The presence of an anti-LGBTQI+ (lesbian, gay, bisexual, transgender, queer, or intersex) bias is an aggravating circumstance when prosecuting hate crimes.

In the first eight months of the year, the NGO LGBT Forum Progress submitted more than 60 complaints to police regarding online discrimination, hate speech, and verbal abuse, including comments on social media, and asked authorities to press charges against the commenters. The NGO stated that the total number of charges filed in the first half of the year was somewhat lower when compared with the same period in 2020 or 2019 but noted a significant rise of hate and hate speech online targeting different communities and groups, based on their nationality, ethnicity, and religious beliefs, which corresponded to the rise of tensions and divisions in the society throughout the year.

According to NGOs, as a result of COVID-19-related restrictions on movement, many LGBTQI+ persons returned to their primary residences where they experienced an increase of hate, abuse, discrimination, and rejection by family members. Many of them searched for psychosocial and legal support. One LGBTQI+ center was operational during the second half of 2020 and throughout 2021. It was run by an NGO and relied solely on small emergency grants and funds without government support.

Every police station had an officer whose duties included monitoring observance of the rights of LGBTQI+ persons. During the year a “team of confidence” between police and LGBTQI+ NGOs continued working to improve communication between police and the community. The government also formed the National Focal Point Network composed of representatives from local

municipalities to promote LGBTQI+ rights at the local level.

During the year the national team formed by the Ministry of Justice, Human and Minority Rights to monitor implementation of the *National Strategy for the Improvement of the Quality of Life of LGBTI Persons in Montenegro 2019-2023* worked to increase the capacity of institutions involved in the protection of individuals against discrimination, particularly in the judicial system. COVID-19 prevented the team from meeting more than twice, but it coordinated and remained informed on all ongoing activities. The NGO Spektra reported that realization of most of the planned activities would be continued next year, again due to COVID-19 delays. The NGOs Juventas and Queer of Montenegro reported they cooperated with the team to help local authorities create and approve local action plans to fight homophobia and transphobia and improve the quality of life for LGBTQI+ persons. The government did not provide funds for operating the LGBTQI+ shelter in 2022, although the 2019-23 national strategy anticipated that the shelter would be fully funded for the duration of the strategy.

The NGO Spektra reported that transgender women and men in the country had been unable to access hormone therapy for the previous four years, which led to significant risks to their physical and mental health. The COVID-19 pandemic further complicated the ordering of hormone therapies from neighboring countries. Spektra also noted that the health system experienced a periodic shortage of testosterone supply since the beginning of the pandemic, which resulted in a direct threat to the health and well-being of transgender persons. The NGO alleged the situation violated the basic human rights provided by the country's constitution and laws concerning access to health care and health insurance.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the rights of workers, including members of the armed forces, to form and join independent trade unions, bargain collectively, and conduct legal strikes. To represent workers in collective bargaining at the enterprise level, a union must count at least 20 percent of the workforce in the enterprise as members. To act as a worker representative in a sector, group, or branch of industry, a trade

union must include at least 15 percent of the total workforce in that sector, group, or branch. The law prohibits discrimination against union members or those seeking to organize a union and requires the reinstatement of workers dismissed for union activity.

In 2020 a labor law took effect that is intended to strengthen the protection of employees' rights, increase flexibility in the labor market, and suppress the informal economy through several new measures. The law creates an obligation for employers to consult with a labor union (or employee representatives) and notify the Employment Agency about the consultations in cases of a collective layoff (i.e., dismissal of at least 20 employees over a 90-day period); creates an obligation for all employment agreements to contain a reference to bargaining agreements being applied with the employer; and requires that all employer bargaining agreements must be registered with the Ministry of Labor and Social Welfare.

The government generally enforced the law. Penalties for violations were commensurate with those under other laws related to denials of civil rights.

While the government generally respected freedom of association, employers often intimidated workers engaged in union activity. According to the Union of Free Trade Unions, workers in the trade sector were intimidated when establishing their union, and they belonged to the category of workers whose rights were the most endangered.

Workers exercised their right to join unions and engage in collective bargaining, although not always without employer interference.

Although allowed by law, collective bargaining remained rare. The government continued to be party to collective negotiations at the national level. Only the union with the largest registered membership at any given level was entitled to bargain, negotiate settlements of collective labor disputes, and participate in other government bodies.

The right to strike is restricted for public servants whose absence from work would jeopardize public interests, national security, the safety of persons and property, or the functioning of the government. International observers noted that the range of

professions in which strikes are proscribed exceeds international standards. Employers may unilaterally establish minimum service requirements if negotiations with trade unions fail to lead to an agreement.

Management and local authorities often blocked attempts to organize strikes by declaring them illegal, citing lack of legally required advance notice, which ranges from two to 10 days, depending on circumstances. There were reports from employees in both the private and public sectors that employers threatened or otherwise intimidated workers who engaged in union organizing or in other legal union activities. In some cases private employers reduced workers' salaries or dismissed them because of their union activities.

Workers in privatized or bankrupt companies had outstanding claims for back pay and severance. Workers occasionally were not able to collect on their claims, despite valid court decisions in their favor. Several local governments failed to pay their staff for months at a time. Trade unions claimed workers were largely unaware of their rights and afraid of retaliation if they initiated complaints.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, and authorities made efforts to investigate or identify victims of forced labor in the formal economy. Penalties under the law for offenses related to forced labor were commensurate with those for other serious crimes.

There were reports of Romani girls forced into domestic servitude and of children forced to beg, mostly by their families (see section 7.c.). Migrants from neighboring countries were vulnerable to forced labor during the summer tourist season, although to a lesser extent during the year due to the COVID-19 pandemic. There were no reports of prosecutions or convictions.

Also see the State Department's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor. The official minimum age for

employment is 15. Children younger than 18 may not engage in jobs that require difficult physical labor; overtime; work at night; underground or underwater work; or work that “may have a harmful effect or involve increased risk to their health and lives,” although the law allows employees between ages 15 and 18 to work at night in certain circumstances. The government generally enforced these restrictions in the formal, but not the informal, economy.

Penalties for violations were commensurate with those for other serious crimes. The Labor Inspectorate investigated compliance with the child labor law only as part of a general labor inspection regime. The Labor Inspectorate reported that few cases of child labor were identified in informal workplaces. In such situations the Labor Inspectorate imposed fines, and inspectors ordered employers to acquire necessary documentation to meet the legal requirements permitting child labor. The government did not collect data specifically on child labor.

Many parents and relatives forced Romani, Ashkali, and Balkan-Egyptian children to work at an early age to contribute to their family’s income. They engaged in begging at busy intersections, on street corners, door to door, in restaurants and cafes, or in sifting through trashcans. While many working children were from the country, a large percentage of those between ages seven and 16 were from nearby countries, mainly Kosovo and Serbia. Police generally returned the children they apprehended to their families.

In villages, children usually worked in family businesses and agriculture. Romani, Ashkali, and Balkan-Egyptian children worked chiefly during the summer, typically washing car windows, loading trucks, collecting items such as scrap metal, selling old newspapers or car accessories, or working alongside their parents as day laborers. Many internally displaced Romani, Ashkali, and Balkan-Egyptian children were forced to engage in begging or manual labor. Police asserted that begging was a family practice rather than an organized, large-scale activity, but this claim was disputed by several NGOs. Begging was readily observable, particularly in Podgorica and the coastal areas during the summer. During a 2020 operation dubbed “Beggar,” police identified children forced to beg and prosecuted their parents, who faced misdemeanor charges. The children were returned to their families.

Despite Operation Beggar, police seldom pressed charges against adult perpetrators. Authorities placed victims of forced child labor who did not have guardians in the children's correctional facility in Ljubovic. After leaving the facility, most children returned to forced begging. Romani NGOs tried to raise awareness of the problem and suggested the government did not provide sufficient resources to rehabilitate children begging and living on the street.

Children were subjected to commercial sexual exploitation (see section 6, Children, and section 7.b.). Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination based on race, color, sex, religion, political opinion or other affiliation, national origin, citizenship, disability, sexual orientation, gender identity, age, language, pregnancy, marital status, social status or origin, membership in political and trade union organizations, or health conditions, including HIV-positive status and other communicable diseases. The government did not enforce antidiscrimination laws and regulations effectively, and there were instances of discrimination on these bases. Penalties for violations were not commensurate with those for other crimes related to denials of civil rights.

Persons with disabilities faced significant discrimination in employment, despite affirmative action programs that provided significant financial incentives to employers to hire persons with disabilities. Although the state employment agency did not track the employment rate of persons with disabilities, it reported that 25.6 percent of unemployed persons were persons with disabilities. In addition the NGO Youth with Disabilities reported that approximately 3,021 persons with disabilities were employed in the country. Advocates noted there were too few training programs for persons with disabilities to contribute significantly to their economic integration. Neither governmental entities nor private employers hired many persons with disabilities. NGOs reported employers often chose to pay fines rather than employ a person with a disability.

In 2020 parliament passed several amendments to the Law on Pension and Disability Insurance, one of which changed the previous mandatory retirement age for both men and women from 67 to 66 for men and 64 for women, prompting outcries of gender-based discrimination. The Constitutional Court began proceedings on the initiative of the Association of Judges in Montenegro challenging the amendments, claiming that they violated the constitution and international treaties, which prescribe equality between women and men. Women were also, at times, subjected to discrimination based on their marital status, pregnancy, or physical appearance. Employers did not respect all their legal obligations to pregnant women and sometimes reduced their responsibilities or fired them after they returned from maternity leave. A disproportionate share of women held jobs with lower levels of responsibility than men. Employers promoted women less frequently than men. Some job announcements for women explicitly included discriminatory employment criteria, such as age and physical appearance. Employers at times violated women's entitlement to a 40-hour workweek, overtime, paid leave, and maternity leave. Societal expectations regarding women's obligations to the family reduced their opportunities to obtain jobs and advance in the workplace. Nevertheless, an increasing number of women served in professional fields, such as law, science, and medicine. Women accounted for less than 9 percent of personnel in the armed forces and National Police Force. Women were unable to work during the night in the same way men could.

According to the Union of Free Trade Unions, gender-based violence, harassment, and discrimination existed in the workplace, but most victims were discouraged from reporting incidents due to several systemic problems. Very few employed women recognized certain behaviors as gender-based violence and harassment, and often it was very difficult for them to assess whether there was gender discrimination. Even when instances of gender-based violence, harassment, and discrimination were clear, many victims were reluctant to report the violations due to few examples of successful prosecutions and fear of reprisal.

In 2019 the NGO Women's Right Center published a study in which 34 percent of survey respondents said they had experienced at least one form of sexual harassment at work. Every tenth respondent said that a colleague or superior

proposed to have sex with them, and 6 percent said they faced such sexual advances more than once. In addition 5 percent of the respondents said that they had been forced to have sexual intercourse with their colleague or supervisor. In 71 percent of cases, the respondents stated that the person perpetrating the sexual harassment was in a higher position than they. Approximately half of the respondents who had experienced sexual harassment at work said they told someone about the incidents, while the other half said they did not tell anyone due to shame or fear of losing their jobs.

The law does not mandate equal pay for work of equal value. Women were not permitted to work in the same industries as men, as the government designated some jobs too dangerous to have women working in them, and women were not allowed to work the same night hours as men. As mentioned above, women also faced discrimination in access to pension benefits, since the legal age at which men and women could retire and access both full and partial pension benefits were not the same.

As part of COVID-19 health measures, the government decided to close kindergartens and schools, and parents of children younger than age 11 were entitled to take paid leave. Private employers, however, did not respect these measures, and recipients were required to trade days off for holidays if seeking paid time off. Trade unions and NGOs reported that although the government partly subsidized one payment, employees were not receiving the full amount. Employees, especially women, often did not report such violations due to the risk of losing their jobs.

Bosniaks, who accounted for 9 percent of the country's population, traditionally constituted 6 percent of the government workforce. Roma, displaced persons, refugees, and migrant workers faced employment discrimination. Migrant workers usually came from Serbia, Bosnia and Herzegovina, North Macedonia, or Albania to work on construction sites and in agriculture. There were also instances of discrimination against unregistered domestic and foreign workers.

In 2020 the Basic Court in Podgorica ruled that, between 2009 and 2019, the Ministry of Defense committed severe forms of prolonged and repeated discrimination against the Trade Union of Defense and the Army of Montenegro.

The court forbade any further discriminatory actions against the union. In the explanation of the sentence, the judge indicated that the ministry and general headquarters of the army systematically discriminated against the president of the union and its members for performing work activities related to the union. In 2018 the ombudsman issued an opinion recommending that the discriminator take adequate measures to eliminate uneven treatment within 30 days.

e. Acceptable Conditions of Work

Wage and Hour Laws: According to the National Statistics Office, the national monthly minimum wage was slightly above the government's absolute poverty line. Significant portions of the workforce, particularly in rural areas and in the informal sector, earned less than the minimum wage.

The law limits overtime to 10 hours per week, and total work time cannot exceed 48 work hours per week on average within a four-month period, but seasonal workers often worked much longer. In 2020 new labor laws came into effect that provide new protections for employees regarding required overtime, night work, and the duration of fixed-term employment contracts.

The government did not effectively enforce minimum wage and overtime laws, although penalties for violations were commensurate with those for other similar crimes.

Many workers, particularly women employed in the commercial, catering, and service industries, worked unpaid overtime, and employers sometimes forced them to work on religious holidays without additional compensation or to forgo their rights to weekly and annual leave. Employers sometimes failed to pay the minimum wage, other employee benefits, or mandatory contributions to pension funds. Employees often did not report such violations due to fear of retaliation. The practice of only formally paying a worker the minimum wage, thus being responsible for lower mandatory contributions, and giving the employee cash payments as a supplement was common. Also common was the practice of signing short-term work contracts or having lengthy "trial" periods for workers instead of signing them to permanent contracts as prescribed by law.

Administrative and judicial procedures were subject to lengthy delays and appeals,

sometimes taking years. This led to an increase in the number of persons seeking recourse through alternative dispute resolution. Most disputes reviewed by the Agency for Peaceful Resolution of Labor Disputes involved accusations of government institutions violating laws on overtime, night work, holidays, social insurance contribution requirements, or other administrative regulations.

Occupational Safety and Health: The government set occupational health and safety standards that were current and appropriate for the main industries. Regulations require employers and supervisors to supply and enforce the use of safety equipment, conduct risk assessment analysis, and report any workplace deaths or serious injuries within 24 hours.

The Labor Inspectorate is responsible for enforcing wage, hour, and occupational health and safety laws. The number of labor inspectors was sufficient to enforce compliance in the formal economy. Resources, remediation efforts, and investigations were not adequate to successfully identify, enforce, or prevent violations in the informal economy. The Union of Free Trade Unions reported that approximately 40,000 persons were employed in the informal economy. Penalties for violations of occupational health and safety standards were generally commensurate with those for other similar crimes in the formal sector. Labor inspectors have the legal authority to close an establishment until it corrects violations or to fine owners who commit repeated violations, although they rarely exercised this authority. Labor inspectors have the authority to make unannounced inspections.

Employment in the construction, energy, wood-processing, transportation, and heavy industries presented the highest risk of injury. During the year two electricians working for the country's electricity distribution system died, one in Danilovgrad and one in Bar. The electric company confirmed they died on the job while repairing transmission lines. Press reports noted that falling from a significant height was the cause of death of three out of four construction workers in 2020; falling also caused at least a third of serious injuries on construction sites throughout the country. Most of the injuries were among foreign nationals. Common causes of injuries on construction sites were unsecured workstations at a height and lack of use of protective equipment. The most frequent reasons cited for unsafe working conditions were the lenient fines for violations of safety rules,

failure to use safety equipment, lack of work-related information and training, inadequate medical care for workers, and old or inadequately maintained equipment.